

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-mj-03298-Louis

UNITED STATES OF AMERICA

vs.

YVES RICHARD LARRIEUX,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? No.

Respectfully submitted,
JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

BY:



Hayden P. O'Byrne
Assistant United States Attorney
Fla. Bar No. 60024
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel: 305.961.9447
Email: hayden.obyrne@usdoj.gov

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

YVES RICHARD LARRIEUX,

Case No. 22-mj-03298-Louis

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 31, 2022 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)(B)

Offense Description

Possession of a Firearm or Ammunition by an Alien Admitted Under a
Nonimmigrant Visa

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



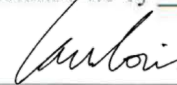
Complainant's signature

Miranda Ballard, S/A HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: August 1 2022



Judge's signature

City and state: Miami, FL

Hon. Lauren F. Louis, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-mj-03298-Louis

UNITED STATES OF AMERICA

vs.

YVES RICHARD LARRIEUX,

Defendant.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Miranda L. Ballard, being duly sworn, do hereby depose and state the following:

1. I am a Special Agent of Homeland Security Investigations (HSI), and I have been so employed since June of 2019. I am assigned to the Miami International Airport (MIA) Passenger Response Group, and my duties include but are not limited to the investigation of crimes related to smuggling, trafficking of narcotics, firearms, and other contraband. As part of my official duties as a Special Agent, I have participated in a number of investigations involving violations related to firearms and their components. During the course of those investigations, I have participated in the execution of federal search warrants and arrest warrants. I am an investigative or law enforcement officer of the United States, in that I am empowered by law to conduct investigations and to make arrests for felony offenses, including under the authority of Title 18, United States Code, Section 922.

2. This Affidavit is submitted in support of a criminal complaint against Yves Richard LARRIEUX ("LARRIEUX"). As explained below, I respectfully submit that there is probable cause to believe that on July 31, 2022, in Miami-Dade County, in the Southern District of Florida,

LARRIEUX violated Title 18, United States Code, Section 922 (g)(5)(B) (Possession of a Firearm or Ammunition by an Alien Admitted Under a Nonimmigrant Visa).

3. The information contained in this Affidavit is based on my personal knowledge, as well as information relayed to me by other law enforcement agents and officers involved in this investigation. I have not included in this Affidavit each and every fact known to me or to other law enforcement officers surrounding this investigation. Rather, I have included only those facts that I believe are necessary to establish probable cause to arrest LARRIEUX for the violations described above.

4. On July 31, 2022, HSI MIA Passenger Group 2 (PAX-2) was informed by U.S. Customs and Border Protection (CBP) that they searched luggage belonging to LARRIEUX, pursuant to border search authority, when LARRIEUX attempted to depart the United States for Port Au Prince, Haiti on American Airlines (AA) flight 949, at Miami International Airport (located in the Southern District of Florida). CBP found multiple boxes of ammunition in LARRIEUX's check-in luggage. CBP Officers received an oral binding declaration from LARRIEUX regarding his carry-on and his piece of checked luggage. In the oral binding declaration, LARRIEUX stated to CBP Officers that the checked-in luggage was his, that he packed all the contents himself, that he was not carrying anything for anyone else, and that he had no merchandise to declare. CBP Officers inspected LARRIEUX's checked luggage, and found 350 rounds of 9mm ammunition.

5. On July 31, 2022, an HSI Special Agent inspected LARRIEUX's travel documents and determined that LARRIEUX is a citizen of Haiti and entered the United States on July 30, 2022, under a nonimmigrant visa (a tourist visa). LARRIEUX is therefore not permitted to have

firearms or ammunition, pursuant to 18 U.S.C. § 922(g)(5), as he is an alien lawfully admitted under a nonimmigrant visa.

6. HSI special agents then interviewed LARRIEUX in English. LARRIEUX was provided and read his *Miranda* rights, which he waived. LARRIEUX provided a post-*Miranda* statement that the 350 9mm rounds of ammunition belonged to him. LARRIEUX stated that he provided cash to his brother, who is a Lawful Permanent Resident in the United States, to purchase the ammunition for him at a gun shop in Fort Lauderdale, Florida. LARRIEUX stated that he knew he could not legally possess the ammunition, which was why he had his brother make the straw purchase on his behalf. LARRIEUX stated that he intended to export the 350 rounds of 9mm ammunition to Haiti on AA 949. LARRIEUX stated he was a business owner in Haiti and did not intend to live in the United States. LARRIEUX stated that his girlfriend paid for his trip as a birthday present, that he came to the United States to watch a soccer match, and that he then went to Mexico for a few days, before returning to Miami on his way to Port Au Prince, Haiti. LARRIEUX stated he did not have a hunting license and law enforcement verified that he is not a government official, preventing him from qualifying for certain enumerated exceptions allowing a nonimmigrant to lawfully possess firearms and ammunition pursuant to 18 U.S.C. § 922(y).

[This Space Intentionally Left Blank]

7. Based on the above information, I respectfully submit that there is probable cause to believe that, on July 31, 2022, in Miami-Dade County, in the Southern District of Florida, LARRIEUX violated Title 18, United States Code, 922 (g)(5)(B) (Possession of a Firearm or Ammunition by an Alien Admitted Under a Nonimmigrant Visa).

FURTHER AFFIANT SAYETH NAUGHT

Respectfully submitted,



Miranda Ballard, Special Agent
Homeland Security Investigations

Attested to by the Applicant in accordance with the requirements of
Fed. R. Crim P. 4.1 by FaceTime this 1 day of August 2022.



HONORABLE LAUREN F. LOUIS
UNITED STATES MAGISTRATE JUDGE